IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 28353 of 2007(A)

PETITIONER:

DR.BINDU M.G., MANAGING TRUSTEE,
SARASWATHY EDUCATIONAL TRUST,
PARASSALA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SMT.S.SUJA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF HEALTH & FAMILY WELFARE,
THIRUVANANTHAPURAM.

2. KERALA NURSES AND MIDWIVES COUNCIL,
RPRESENTED BY ITS REGISTRAR,
RED CROSS ROAD, THIRUVANANTHAPURAM.

3. KERALA LOK AYUKTA,
REPRESENTED BY ITS REGISTRAR,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. I.V.PRAMOD
ADV. SRI.N.RAGHURAJ, SC, TCMC & KNMC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 28353 OF 2007

Dated this the 4th day of October, 2007

J U D G M E N T

The application submitted by the petitioner for approval of its Nursing College was rejected by the 2nd respondent as per Ext.P5. Two reasons have been stated for rejection of approval. One of the reasons stated is an order passed by the Kerala Lok Ayuktha which restrained the Council from granting approval. The other reason stated is that admission of students for the current academic year has already started from September 2007 and therefore, the Council was not in a position to consider the request of the petitioner.

2. In so far as the restraint order passed by the Lok Ayuktha is concerned Ext.P6 is one of the orders so passed. By Ext.P6 the 2nd respondent Council has been restrained from taking upon themselves the responsibility of granting recognition to any new institution for admitting new students. In several similar cases, this issue has been considered by this Court and orders have been passed directing that the order of the Lok Ayuktha need not stand in the way of the 2nd respondent in exercising its statutory powers.

Therefore, this case is also disposed of directing that the 2nd respondent shall be free to consider the application of the petitioner. In so far as the paucity of time that has highlighted in Ext.P5 is concerned, I direct that the 2nd respondent may consider the application and take appropriate decision as it deems fit in the matter of granting approval.

With these directions the writ petition is disposed of.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.8556/01

JUDGMENT

18TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.